

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DWAYNE JOHNSON,	:	Civil No. 1:22-cv-0731
	:	
Plaintiff,	:	
	:	(Judge Sylvia H. Rambo)
v.	:	
	:	
RYAN FLENKE, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of October, 2023, upon consideration of the magistrate judge's report and recommendation (Doc. 33) which recommends that this case be dismissed for failure to prosecute, and noting that Plaintiff has not filed objections to the report and recommendation and the time for doing so has passed, and the court having satisfied itself that there is no clear error on the face of the record, Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error), **IT IS HEREBY ORDERED** as follows:

- 1) The Report and Recommendation (Doc. 33) is **ADOPTED**;
- 2) This case is **DISMISSED WITH PREJUDICE** for failure to prosecute;
- 3) The Clerk of Court is **DIRECTED** to close this case; and
- 4) The court declines to issue a certificate of appealability, as the plaintiff has failed to demonstrate a "substantial showing of the denial of a constitutional

right.” 28 U.S.C. § 2253(c)(2); *see also* *Buck v. Davis*, 137 S.Ct. 759, 773-75 (2017); *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge